

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mark W. Publicover, et al. **FILED VIA EFS ON March 13, 2008**

Application No. 09/800,273

Filed: March 5, 2001

Confirmation No. 3749

For: TRAMPOLINE OR THE LIKE WITH
ENCLOSURE

Examiner: Jerome W. Donnelly

Art Unit: 3764

Attorney Reference No. 5578-58206-01

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

**Second Request for Withdrawal of Paper Mailed September 13, 2007,
or in the Alternative, Notice of Appeal
from the Examiner to the Board of Patent Appeals and Interferences**

On February 13, 2008, Applicants filed with the Patent and Trademark Office a Request for Withdrawal of Paper Mailed September 13, 2007. To date there has been no action on that filing.

Applicants continue to believe that the paper mailed by the Patent and Trademark Office on September 13, 2007, styled as an Office action, was sent in error.

And Applicants again formally request withdrawal of the paper dated September 13, 2007, and favorable consideration of the application as amended on May 7, 2007, and on February 13, 2008.

However, although Applicants have been lead to believe that the paper mailed by the Patent and Trademark Office on September 13, 2007, will eventually be withdrawn, today is the six-month response deadline, the undersigned has been unable to reach Examiner Donnelly by telephone, and withdrawal of the paper dated September 13, 2007, is not certain.

In view of the uncertainty, if for any reason the paper dated September 13, 2007, is not withdrawn, Applicants then request that this paper be treated as a notice of appeal to the Board from the decision of Examiner Jerome W. Donnelly mailed September 13, 2007, finally rejecting claims 65, 68 and 71.

It is believed that no extension of time is required for this filing. But if an extension of time is required, please consider this a petition therefor.

It is also believed that no fee is required for this filing because the paper mailed by the Patent and Trademark Office on September 13, 2007, was sent in error, and so no appeal or time extension should be required.

However, if any fee is required, the Commissioner is hereby authorized to charge such fee to Deposit Account No. 02-4550.

Respectfully submitted,

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